

EXHIBIT N

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION MDL No. 2804
OPIATE LITIGATION Case No. 17-md-2804

This document relates to: Judge Dan
Aaron Polster

The County of Cuyahoga v. Purdue
Pharma, L.P., et al.
Case No. 17-OP-45005

City of Cleveland, Ohio vs. Purdue
Pharma, L.P., et al.
Case No. 18-OP-45132

The County of Summit, Ohio,
et al. v. Purdue Pharma, L.P.,
et al.
Case No. 18-OP-45090

VOLUME I
Videotaped Deposition of Kyle J. Wright
Washington, D.C.
February 28, 2019
9:33 a.m.

Reported by: Bonnie L. Russo
Job No. 3244302

1 Okay.

2 MS. MAINIGI: I see none.

3 SPECIAL MASTER COHEN: I'll be
4 putting myself on mute. So if you do need me,
5 it may take me a second to come back online.
6 But I will be listening in. And I'll let you
7 go to it.

8 THE VIDEOGRAPHER: Will the court
9 reporter please swear in the witness.

10

11 KYLE J. WRIGHT,
12 being first duly sworn, to tell the truth, the
13 whole truth and nothing but the truth,
14 testified as follows:

15 EXAMINATION BY COUNSEL FOR DEFENDANT

16 CARDINAL HEALTH, INC.

17 BY MS. MAINIGI:

18 Q. Good morning, Mr. Wright.

19 If you could put your full name on
20 the record, please.

21 A. Kyle James Wright.

22 Q. Are you currently employed?

23 A. No.

24 Q. Are you retired?

25 A. Yes.

1 Q. Who is your prior employer?

2 A. Department of Justice Drug
3 Enforcement Administration.

4 Q. And how long approximately did you
5 work for the Drug Enforcement Administration?

6 A. 22 years.

7 Q. Do you understand, Mr. Wright, that
8 the Drug Enforcement Administration or DEA, as
9 I will call it, has authorized you to testify
10 on certain topics related to your employment at
11 the agency?

12 A. Shame on them. Yes.

13 MS. MAINIGI: I'll go ahead and mark
14 for the record as Exhibit 1, Wright Exhibit 1.

15 And we've prepared a binder for you
16 that has some of these, Mr. Wright.

17 Exhibit 1 is your notice of
18 deposition.

19 (Deposition Exhibit 1 was marked for
20 identification.)

21 BY MS. MAINIGI:

22 Q. Have you seen that document before?

23 A. I -- I -- I don't recall.

24 (Deposition Exhibit 2 was marked for
25 identification.)

1 BY MR. STEPHENS:

2 Q. And that business model of
3 self-dispensing at the pain clinic increased
4 the risk of diversion, true?

5 A. Increased the risk of diversion? If
6 it wasn't out of medical necessity, it was
7 diversion.

8 Q. Okay. My point is more their --
9 their model of delivering the method case
10 through to the customer.

11 So in a situation where a pain
12 clinic is both writing the prescription and
13 dispensing the medication and not sending the
14 patient to a different pharmacist, in your
15 view, based on your experience, does that
16 increase the risk of diversion?

17 MR. BENNETT: Objection to the form.

18 THE WITNESS: It puts a -- all the
19 responsibility on the prescriber.

20 BY MR. STEPHENS:

21 Q. At -- and in -- in my sample, the
22 prescriber's at the pain clinic, correct?

23 A. Correct.

24 Q. Okay. Now, Walmart did not
25 distribute controlled substances to Internet

1 pharmacies, true?

2 MR. BENNETT: Objection.

3 THE WITNESS: Not to my direct
4 knowledge.

5 BY MR. STEPHENS:

6 Q. And CVS, Rite Aid and Walgreens also
7 did not distribute controlled substances to
8 Internet pharmacies, true?

9 MR. BENNETT: Objection.

10 MR. MIGLIORI: Objection.

11 THE WITNESS: I don't have any
12 direct knowledge, no.

13 BY MR. STEPHENS:

14 Q. Okay. In -- in response to some of
15 the questions from my colleague who was
16 representing the manufacturers, you answered a
17 series of questions as to whether or not the
18 manufacturer had an obligation to check on
19 someone who they were not supplying to.

20 Do you recall that line of
21 testimony?

22 A. Yes.

23 Q. Okay. Would you agree that Walmart
24 and CVS and Rite Aid and Walgreens would have
25 no obligation to check on Internet pharmacies

1 THE WITNESS: In the context of your
2 question, no.

3 BY MR. STEPHENS:

4 Q. Do you also agree that, to your
5 knowledge, Walmart did not distribute
6 controlled substances to any pharmacy other
7 than a Walmart pharmacy?

8 MR. MIGLIORI: Objection to form.
9 Foundation.

10 THE WITNESS: That was my
11 understanding of their operation, yes.

12 BY MR. STEPHENS:

13 Q. Okay. Would you also agree that
14 CVS, Rite Aid and Walgreens also only
15 distributed -- well, let me restate that.

16 I'm going to take it one at a time.
17 Okay?

18 A. Yes, sir.

19 Q. Would you also agree that CVS did
20 not distribute controlled substances to any
21 pharmacy other than a CVS pharmacy?

22 MR. MIGLIORI: Objection. Form.
23 Foundation.

24 MR. BENNETT: Objection.

25 THE WITNESS: I -- I do not have any

1 Q. Okay. All right.

2 So just a couple more topics, and
3 then we're done.

4 I want to go back to conversations
5 that you would have had with distributors and
6 relating to ratios of controlled versus
7 noncontrolled substances.

8 A. Okay.

9 Q. Okay?

10 Do you remember having those
11 conversations with distributors?

12 A. Yes.

13 Q. Okay. And is it -- is it accurate
14 to say that you knew that it was common for
15 legitimate pharmacies to have a ratio of
16 approximately 20 percent of controlled to 80
17 percent noncontrolled?

18 A. In that area, yes.

19 Q. Okay. And higher percentages of
20 controlled drugs could be reasonable at times,
21 right?

22 A. Yes.

23 Q. For example, pharmacies located
24 right next to a cancer clinic or something like
25 that.

1 A. Correct.

2 Q. Okay. You had also testify earlier
3 about manual systems to identify suspicious
4 orders.

5 Do you remember that?

6 A. A manual system.

7 Q. As opposed to automated.

8 MR. MIGLIORI: Objection to form.

9 THE WITNESS: Okay.

10 BY MR. STEPHENS:

11 Q. Do you recall testimony earlier
12 today about manual versus automated systems?

13 A. Well, that would be in the early
14 days.

15 Q. Right.

16 So we can go back to that, right?

17 A. Okay.

18 Q. Okay. So back when people were
19 reporting --

20 A. Paper.

21 Q. -- excess reports in -- into DEA,
22 right?

23 A. All right, sir.

24 Q. Okay. And manual would -- would --
25 a manual system would include people on the